

108TH CONGRESS
1ST SESSION

H. R. 849

To authorize the Regional Foresters to exempt tree-thinning projects, which are necessary to prevent the occurrence of wildfire likely to cause extreme harm to the forest ecosystem, from laws that give rise to legal causes of action that delay or prevent such projects.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2003

Mr. SHADEGG introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the Regional Foresters to exempt tree-thinning projects, which are necessary to prevent the occurrence of wildfire likely to cause extreme harm to the forest ecosystem, from laws that give rise to legal causes of action that delay or prevent such projects.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Rodeo-Chediski Eco-
5 nomic and Forest Health Recovery Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) National Forest System lands in the United
4 States are in poor ecological health because of the
5 present of fire damaged trees.

6 (2) During 2002, wildfires, devastated 650,000
7 acres in Arizona.

8 (3) It has been scientifically established that
9 trees damaged by fire are more susceptible to insect
10 infestation than healthy, undamaged trees, and ex-
11 perts agree that fire damaged trees must be removed
12 to improve forest health and that such removal must
13 occur within six to twelve months if the fire dam-
14 aged trees are to have any commercial value.

15 (4) Under current Federal law, forest manage-
16 ment projects designed to remove fire damaged trees
17 are subject to challenge and appeal by groups and
18 individuals.

19 (5) Use of existing administrative and legal
20 processes will not enable the Forest Service to take
21 the immediate action necessary to remove fire dam-
22 aged trees.

1 **SEC. 3. REGIONAL FORESTER AUTHORITY TO EXEMPT**
2 **WILDFIRE PREVENTION TREE-THINNING**
3 **PROJECTS FROM CERTAIN LAWS.**

4 (a) EXEMPTION AUTHORITY.—The Regional For-
5 ester for Region 3 may exempt a Forest Service project
6 described in subsection (b) from any provision of law in-
7 cluding, but not limited to, the National Environmental
8 Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Na-
9 tional Forest Management Act (16 U.S.C. 1601 et seq.),
10 and the project shall proceed immediately and to comple-
11 tion. In addition, the project shall not be subject to the
12 notice, comment, and appeal requirements of section 322
13 of Public Law 102–381 (commonly known as the Appeals
14 Reform Act; 16 U.S.C. 1612 note) or to judicial review
15 by any court of the United States. Such exemption shall
16 supersede all legal actions affecting a project described in
17 subsection (b).

18 (b) COVERED PROJECT.—A Forest Service project
19 referred to in subsection (a) is a project located in the
20 area of the Rodeo-Chediski Fire on the Apache-Stigreaves
21 or Tonto National Forests that involves the removal of
22 trees that the Regional Forester determines are dead or
23 severely damaged from fire as part of a salvage timber
24 effort.

25 (c) AUTHORITY OF THE REGIONAL FORESTER.—The
26 Regional Forester shall have the discretionary authority

1 to make all determinations specified in this section regard-
2 ing covered projects.

3 **SEC. 4. CONTRACTING AUTHORITY OF THE REGIONAL FOR-**
4 **ESTER.**

5 The Regional Forester may enter into contracts for
6 the purpose of conducting covered projects. Payments
7 under such contracts may be on a fee for service basis.

8 **SEC. 5. CONSTITUTIONAL AUTHORITY.**

9 The constitutional authority on which this Act rests
10 is the authority of Congress to make all laws which shall
11 be necessary and proper, as enumerated in article I, sec-
12 tion 8, of the United States Constitution, as well as the
13 authority of Congress to make all needful rules and regu-
14 lations respecting the territory or other property belonging
15 to the United States, as enumerated in article IV, section
16 3 of the United States Constitution.

○